

REMARKS

No amendments are made herein. Claims 1-10, 12-15, 23-26, 28-33, and 35-37 are pending. All claims except 32 and 33 are allowed. Reconsideration of claims 32 and 33 in view of the following comments is respectfully requested.

Applicants thank Examiner Brinich for speaking with Applicants' representative on April 19, 2007. Applicants' representative expressed confusion as to the continued rejection of claims 32 and 33 as "nonfunctional descriptive matter" when they are directed to an article of manufacture, and have no relation to a computer as set forth in the rejection of the claims. The Examiner restated the argument set forth at page 2 of the Office Action, that the claimed subject matter doesn't exhibit a functional interrelationship with a computing device. The Examiner stated he would further review the claims in view of the telephone conference, but has not to date forwarded an Examiner Interview Summary Form or called Applicants' representative to further discuss the claims.

Claims 32 and 33 are rejected under 35 USC 101 as allegedly directed to non-statutory subject matter, with reference to MPEP 2106.IV.B.1(a). Applicants respectfully note there is no such subsection in the current version of the MPEP (8th Ed., 5th Revision, August 2006). Applicants are not certain from what portion of the MPEP the Examiner is quoting on pages 2-3 and 4-5 of the Office Action. Should the rejection be maintained, clarification and correction of the citation are respectfully requested. Applicants traverse the rejection as follows.

Claim 32 is as follows:

A comparison print comprising:

- a first portion having an image thereon; and
- a second portion having a digitally enhanced rendering of the image thereon, wherein the digitally enhanced rendering is the image after adjusting at least one characteristic of red-eye, flesh tone, under exposure compensation, or noise reduction and sharpness as compared to the unenhanced image, wherein each characteristic is assigned a predetermined weighting factor, and the digitally enhanced rendering has a total weighting factor which is above a threshold value.

Claim 33 depends from claim 32. The claims are directed to a comparison print, which is an article of manufacture. The comparison print is a physical object having two images thereon, a first image, and a second image that is an enhanced version of the first image. A computing process, or output thereof, is not claimed. The physical print having two images thereon, wherein the two images are related as an unenhanced and enhanced image, is claimed as the invention. The subject matter of claims 32-33 are the physical output that results from practice of the method of claim 1. Reconsideration and withdrawal of the rejection are respectfully requested. If the rejection is maintained, clarification of the Examiner's position is respectfully requested, including citation to an existent section of the MPEP.

Applicants submit all of claims 1-10, 12-15, 23-26, 28-33 and 35-37 are in condition for allowance for at least the above reasons. Reconsideration and prompt action in the form of a Notice of Allowance are respectfully solicited.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Neuner Manne', with a long horizontal line extending to the right.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.